

Official device means any device prescribed or authorized by the Secretary for use in applying any official mark.

Official egg products processing plant means one or more buildings or parts thereof comprising a single plant in which the plant facilities and methods of operation therein have been approved by the Administrator of the Food Safety Inspection Service as suitable and adequate for the continuous inspection of egg products and in which inspection service is carried on.

Official standards means the official U.S. standards of quality, grades, and weight classes for shell eggs maintained by and available from Poultry Programs, AMS.

Person means any individual, partnership, association, business trust, corporation, or any organized group of persons, whether incorporated or not.

Pesticide chemical, Food additive, Color additive, and Raw agricultural commodity mean the same for purposes of this part as under the Federal Food, Drug, and Cosmetic Act.

Plant means any place of business where eggs are processed.

Quality means the inherent properties of any product which determine its relative degree of excellence.

Regional director means any employee of the Department in charge of the surveillance inspection service in a designated geographical area.

Regulations means the provisions in this entire part and such U.S. Standards, Grades, and Weight Classes for Shell Eggs as may be in effect at the time grading is performed.

Regulatory inspector or Inspector means any Federal employee or the employee of a cooperating agency to whom a license has been issued by the Secretary to make such inspections as required in § 57.28 of these regulations.

Regulatory officer or staff officer means staff assistants to regional directors who assist the regional director in administering the surveillance inspection service.

Sampling means the act of taking samples of any product for inspection.

Secretary means the Secretary of Agriculture or any other officer or employee of the Department to whom the authority to act in the Secretary's stead has been delegated.

Service means the personnel who are actively engaged in the administration, application, and direction of the surveillance inspection service pursuant to the regulations in this part.

Shell egg packer means any person engaged in the sorting of eggs into their various qualities.

(a) *Producer-packer* means any person engaged in the sorting of eggs from their own production into their various qualities, either mechanically or by other means.

(b) *Grading station* means any person engaged in the sorting of eggs from their own production and sources other than their own production into their various qualities, either mechanically or by other means.

State means any State of the United States of America, the Commonwealth of Puerto Rico, the Virgin Islands of the United States, and the District of Columbia.

State supervisor or Federal-State supervisor means any authorized and delegated individual who is in charge of the surveillance inspection program in a state.

Surveillance inspection service means the official service within the Department having the responsibility for carrying out the provisions of the Egg Products Inspection Act under this part.

Ultimate consumer means any household consumer, restaurant, institution, or any other party who has purchased or received shell eggs for consumption.

Unclassified eggs means eggs that have been washed or are unwashed and show evidence of segregating or sizing.

United States Standards, Grades, and Weight Classes for Shell Eggs (AMS 56) means the official U.S. standards, grades, and weight classes for shell eggs that are maintained by and available from Poultry Programs, AMS.

Washed ungraded eggs means eggs that have been washed but not sized or segregated for quality.

[69 FR 57164, Sept. 24, 2004]

§ 57.10 Administration.

The Administrator shall perform, for and under the supervision of the Secretary such duties as the Secretary may require in the enforcement or administration of the provisions of the

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act and the regulations in this part. The Administrator is authorized to waive for limited periods any particular provisions of the regulations in this part to permit experimentation so that new procedures, equipment, grading, inspection, and processing techniques may be tested to facilitate definite improvements and at the same time to determine full compliance with the spirit and intent of the regulations in this part. The AMS and its officers and employees shall not be liable in damages through acts of commission or omission in the administration of this part.

[69 FR 57166, Sept. 24, 2004]

§ 57.13 Federal and State cooperation

The Secretary shall, whenever determined necessary to effectuate the purposes of the Act, authorize the Administrator to cooperate with appropriate State and other governmental agencies in carrying out any provisions of the Egg Products Inspection Act and this part. In carrying out the provisions of the Act and the regulations in this part, the Secretary may conduct such examinations, investigations, and inspections as the Secretary determines practicable through any officer or employee of any such agency commissioned by the Secretary for such purpose. The Secretary shall reimburse the States and other agencies for the services rendered by them stated in the cooperative agreements signed by the Administrator and the duly authorized agent of the State or other agency.

[69 FR 57166, Sept. 24, 2004]

§ 57.17 Nondiscrimination.

The conduct of all services and the licensing of inspectors under these regulations shall be accomplished without discrimination as to race, color, national origin, sex, religion, age, disability, political beliefs, sexual orientation, or marital or family status.

[69 FR 57166, Sept. 24, 2004]

§ 57.18 OMB control number.

The information collection requirements in this part have been approved by the Office of Management and Budget

and assigned OMB control number 0581-0113.

[63 FR 69970, Dec. 17, 1998]

SCOPE OF INSPECTION

§ 57.20 Inspection in accordance with methods prescribed or approved.

Inspection of eggs shall be rendered pursuant to these regulations and under such conditions and in accordance with such methods as may be prescribed or approved by the Administrator.

[63 FR 69968, 69970, Dec. 17, 1998]

§ 57.22 Basis of service.

This part provides for inspection services pursuant to the Egg Products Inspection Act, as amended. Eggs shall be inspected in accordance with such standards, methods, and instructions as may be issued or approved by the Administrator. Inspection services shall be subject to supervision at all times by the applicable Federal-State supervisor, staff officer, regulatory officer, regional director, and national supervisor.

[69 FR 57166, Sept. 24, 2004]

§ 57.28 Inspections.

(a) Periodic inspections shall be made of business premises, facilities, inventories, operations, transport vehicles, and records of egg handlers, and the records of all persons engaged in the business of transporting, shipping, or receiving any eggs. In the case of shell egg packers packing eggs for the ultimate consumer, such inspections shall be made a minimum of once each calendar quarter. Hatcheries are to be inspected a minimum of once each fiscal year.

(2) [Reserved]

(b) Inspections shall be made of imported eggs as required in this part.

[63 FR 69968, 69970, Dec. 17, 1998, as amended at 69 FR 57166, Sept. 24, 2004]

RELATION TO OTHER AUTHORITIES

§ 57.35 Eggs in commerce.

(a)(1) For eggs that moved or are moving in interstate or foreign commerce, no State or local jurisdiction: